Court No.2

Review Application No. 6396 of 2003
In
Civil Writ Petition No. 525 (M/B) of 2002

Sri Yogesh Kumar ..... Petitioner
Vs.
G.B.Pant University of Agriculture and
Technology and another ..... Respondents
.....

Hon. P.C. Verma, A.C.J.
Hon. Irshad Hussain, J.

Heard learned counsel for the review petitioner as well as Sri R. Dobhal, learned counsel for the G.B.Pant University of Agriculture and Technology and Sri Paresh Tripathi, learned counsel for the C.B.S.E.

According to the learned counsel for the review petitioner, a statement has been made in the counter affidavit dated 12.9.2002 filed by Sri C.S.Jaiswal on behalf of the G.B.Pant University of Agriculture and Technology, in para 6 to the effect that the candidate shown as scheduled caste candidate in the IInd list, did not turn up to take admission upto 14.8.2002 and the seats allotted to Scheduled caste category candidates, are still lying vacant in the College of Technology. In view of this, petitioner is entitled for admission on the vacant seat reserved for the Scheduled Caste candidate, in the college of Technology in the G.B.Pant University of Agriculture and Technology. The petitioner has applied as Scheduled Tribe candidate to appear in the test for admission in All India Engineering Examination and according to merit he was selected for admission in Mechanical Engineering as Scheduled Tribe candidate. However, he could not produce the certificate of Scheduled Tribe Category, therefore, he was refused admission.

In the writ petition, there is no document that the petitioner belongs to Scheduled Tribe category. A certificate has been brought on record which shows that the petitioner belongs to Scheduled Caste category, but in his initial form, he did not mention that he belongs to Scheduled Caste category.

We have perused the information bulletin of All India Engineering Entrance Examination(AIEEE)-2000 wherein clause 13(XI)(J) clearly states that "request for change of any information once given in the

application form, shall not be entertained under any circumstances. Incomplete application forms or application form having overwriting, shall be rejected."

As such, the stand of the petitioner is self contradictory itself regarding his caste status as to whether he belongs to Scheduled Tribe or Scheduled Caste as it is not clear as to which category of reserved seats, the petitioner should be allotted.

In view of disputed fact regarding the reserved category of petitioner, no case for review is made out. The review petition is dismissed accordingly.

(Irshad Hussain, J.) **(P.C. Verma, A.C.J.)**

Dt. 14.5.2003
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